



Rep. Jay Hoffman

Filed: 10/16/2015

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1 AMENDMENT TO SENATE BILL 674

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 674 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 5-401.2 and 8-101, and by adding Section  
6 5-101.2 as follows:

7 (625 ILCS 5/5-101.2 new)

8 Sec. 5-101.2. Manufactured home dealers; licensing.

9 (a) For the purposes of this Section, the following words  
10 shall have the meanings ascribed to them as follows:

11 "Community-based manufactured home dealer" means an  
12 individual or entity that operates a tract of land or 2 or  
13 more contiguous tracts of land which contain sites with the  
14 necessary utilities for 5 or more independent manufactured  
15 homes for permanent habitation, either free of charge or  
16 for revenue purposes, and shall include any building,

1 structure, vehicle, or enclosure used or intended for use  
2 as a part of the equipment of the manufactured home park  
3 who may, incidental to the operation of the manufactured  
4 home community, sell, trade, or buy a manufactured home or  
5 park model that is located within the manufactured home  
6 community or is located in a different manufactured home  
7 community that is owned or managed by the community-based  
8 manufactured home dealer.

9 "Established place of business" means the place owned  
10 or leased and occupied by any person duly licensed or  
11 required to be licensed as a manufactured home dealer or a  
12 community-based manufactured home dealer for the purpose  
13 of engaging in selling, buying, bartering, displaying,  
14 exchanging, or dealing in, on consignment or otherwise,  
15 manufactured homes or park models and for such other  
16 ancillary purposes as may be permitted by the Secretary by  
17 rule. An established place of business shall include a  
18 single or central office in which the manufactured home  
19 dealer's or community-based manufactured home dealer's  
20 records shall be separate and distinct from any other  
21 business or tenant which may occupy space in the same  
22 building, except as provided in this Section, and the  
23 office shall not be located in a tent, temporary stand,  
24 temporary address, room or rooms in a hotel or rooming  
25 house, nor the premises occupied by a single or multiple  
26 unit residence, unless the multiple unit residence has a

1 separate and distinct office.

2 "Manufactured home" means a factory assembled  
3 structure built on a permanent chassis, transportable in  
4 one or more sections in the travel mode, incapable of  
5 self-propulsion, and bears a label indicating the  
6 manufacturer's compliance with the United States  
7 Department of Housing and Urban Development standards, as  
8 applicable, that is without a permanent foundation and is  
9 designed for year round occupancy as a single-family  
10 residence when connected to approved water, sewer, and  
11 electrical utilities.

12 "Manufactured home dealer" means an individual or  
13 entity that engages in the business of acquiring or  
14 disposing of a manufactured home or park model, either a  
15 new manufactured home or park model, pursuant to a  
16 franchise agreement with a manufacturer, or used  
17 manufactured homes or park models, and who has an  
18 established place of business that is not in a residential  
19 community-based setting.

20 "Park model" means a vehicle that is incapable of  
21 self-propulsion that is less than 400 square feet of  
22 habitable space that is built to American National  
23 Standards Institute (ANSI) standards that prohibits  
24 occupancy on a permanent basis and is built on a vehicle  
25 chassis.

26 "Supplemental license" means a license that a

1       community-based manufactured home dealer receives and  
2       displays at locations in which the licensee is authorized  
3       to sell, buy, barter, display, exchange, or deal in, on  
4       consignment or otherwise, manufactured homes or park  
5       models, but is not the established place of business of the  
6       licensee.

7       (b) No person shall engage in this State in the business of  
8       selling or dealing in, on consignment or otherwise,  
9       manufactured homes or park models of any make, or act as an  
10       intermediary, agent, or broker for any manufactured home or  
11       park model purchaser, other than as a salesperson or to  
12       represent or advertise that he or she is so engaged, or intends  
13       to so engage, in the business, unless licensed to do so by the  
14       Secretary of State under the provisions of this Section.

15       (c) An application for a manufactured home dealer's license  
16       or a community-based manufactured home dealer's license shall  
17       be filed with the Secretary of State and duly verified by oath,  
18       on such form as the Secretary of State may by rule prescribe  
19       and shall contain all of the following:

20               (1) The name and type of business organization of the  
21               applicant, and his or her established and additional places  
22               of business, if any, in this State.

23               (2) If the applicant is a corporation, a list of its  
24               officers, directors, and shareholders having a 10% or  
25               greater ownership interest in the corporation. If the  
26               applicant is a sole proprietorship, a partnership, a

1 limited liability company, an unincorporated association,  
2 a trust, or any similar form of business organization, the  
3 name and residence address of the proprietor, or the name  
4 and residence address of each partner, member, officer,  
5 director, trustee, or manager.

6 (3) The make or makes of new manufactured homes or park  
7 models that the applicant will offer for sale at retail in  
8 the State.

9 (4) The name of each manufacturer or franchised  
10 distributor, if any, of new manufactured homes or park  
11 models with whom the applicant has contracted for the sale  
12 of new manufactured homes or park models. As evidence of  
13 this fact, the application shall be accompanied by a signed  
14 statement from each manufacturer or franchised  
15 distributor.

16 (5) A statement that the applicant has been approved  
17 for registration under the Retailers' Occupation Tax Act by  
18 the Department of Revenue, provided that this requirement  
19 does not apply to a manufactured home dealer who is already  
20 licensed with the Secretary of State, and who is merely  
21 applying for a renewal of his or her license. As evidence  
22 of this fact, the application shall be accompanied by a  
23 certification from the Department of Revenue showing that  
24 the Department has approved the applicant for registration  
25 under the Retailers' Occupation Tax Act.

26 (6) An application for:

1           (A) a manufactured home dealer's license, when the  
2           applicant is selling new manufactured homes or park  
3           models on behalf of a manufacturer of manufactured  
4           homes or park models, or 5 or more used manufactured  
5           homes or park models during the calendar year, shall be  
6           accompanied by a \$1,000 license fee for the applicant's  
7           established place of business, and \$100 for each  
8           additional place of business, if any, to which the  
9           application pertains. If the application is made after  
10           June 15 in any year, the license fee shall be \$500 for  
11           the applicant's established place of business, and \$50  
12           for each additional place of business, if any, to which  
13           the application pertains. License fees shall be  
14           returnable only in the event that the application is  
15           denied by the Secretary of State; or

16           (B) a community-based manufactured home dealer's  
17           license, when the applicant is selling 5 or more  
18           manufactured homes during the calendar year not on  
19           behalf of a manufacturer of manufactured homes, but  
20           within a community setting, shall be accompanied by a  
21           license fee of \$500 for the applicant's established  
22           place of business, and \$50 for each additional place of  
23           business, if any to which the application pertains. If  
24           the application is made after June 15 in any year, the  
25           license fee shall be \$250 for the applicant's  
26           established place of business, and \$50 for each

1           additional place of business, if any, to which the  
2           application pertains. License fees shall be returnable  
3           only in the event that the application is denied by the  
4           Secretary of State.

5           Of the monies received by the Secretary of State as  
6           license fees under this paragraph (6), 95% shall be  
7           deposited into the General Revenue Fund and 5% into the  
8           Motor Vehicle License Plate Fund.

9           (7) A statement that the applicant's officers,  
10          directors, and shareholders having a 10% or greater  
11          ownership interest therein, proprietor, a partner, member,  
12          officer, director, trustee, manager, or other principals  
13          in the business, have not committed in the past 3 years any  
14          one violation, as determined in any civil, criminal, or  
15          administrative hearing proceeding, of any one of the  
16          following Acts:

17                (A) the Anti Theft Laws of the Illinois Vehicle  
18                Code;

19                (B) the Certificate of Title Laws of the Illinois  
20                Vehicle Code;

21                (C) the Offenses against Registration and  
22                Certificates of Title Laws of the Illinois Vehicle  
23                Code;

24                (D) the Dealers, Transporters, Wreckers, and  
25                Rebuilders Laws of the Illinois Vehicle Code;

26                (E) Section 21-2 of the Criminal Code of 2012

1           (criminal trespass to vehicles);

2           (F) the Retailers Occupation Tax Act;

3           (G) the Consumer Finance Act;

4           (H) the Consumer Installment Loan Act;

5           (I) the Retail Installment Sales Act;

6           (J) the Motor Vehicle Retail Installment Sales

7           Act;

8           (K) the Interest Act;

9           (L) the Illinois Wage Assignment Act;

10          (M) Part 8 of Article XII of the Code of Civil

11          Procedure; or

12          (N) the Consumer Fraud Act.

13          (8) A bond or certificate of deposit in the amount of  
14          \$20,000 for each license holder applicant intending to act  
15          as a manufactured home dealer or community-based  
16          manufactured home dealer under this Section. The bond shall  
17          be for the term of the license, for which application is  
18          made, and shall expire not sooner than December 31 of the  
19          year for which the license was issued. The bond shall run  
20          to the People of the State of Illinois, with surety by a  
21          bonding or insurance company authorized to do business in  
22          this State. It shall be conditioned upon the proper  
23          transmittal of all title and registration fees and taxes  
24          (excluding taxes under the Retailers' Occupation Tax Act)  
25          accepted by the applicant as a manufactured home dealer.

26          (9) Dealers in business for over 5 years may substitute

1       a certificate of insurance in lieu of the bond or  
2       certificate of deposit upon renewing their license.

3       (10) Any other information concerning the business of  
4       the applicant as the Secretary of State may by rule  
5       prescribe.

6       (11) A statement that the applicant has read and  
7       understands Chapters 1 through 5 of this Code.

8       (d) Any change which renders no longer accurate any  
9       information contained in any application for a license under  
10       this Section shall be amended within 30 days after the  
11       occurrence of the change on a form the Secretary of State may  
12       prescribe, by rule, accompanied by an amendatory fee of \$25.

13       (e) The Secretary of State shall, within a reasonable time  
14       after receipt, examine an application submitted to him or her  
15       under this Section, and unless he or she makes a determination  
16       that the application submitted to him or her does not conform  
17       with the requirements of this Section or that grounds exist for  
18       a denial of the application under Section 5-501 of this  
19       Chapter, grant the applicant an initial manufactured home  
20       dealer's license or a community-based manufactured home  
21       dealer's license in writing for his or her established place of  
22       business and a supplemental license in writing for each  
23       additional place of business in a form the Secretary may  
24       prescribe by rule, which shall include the following:

25               (1) the name of the person or entity licensed;

26               (2) if a corporation, the name and address of its

1       officers; if a sole proprietorship, a partnership, an  
2       unincorporated association, or any similar form of  
3       business organization, the name and address of the  
4       proprietor, or the name and address of each partner,  
5       member, officer, director, trustee or manager; or if a  
6       limited liability company, the name and address of the  
7       general partner or partners, or managing member or members;

8           (3) in the case of an original license, the established  
9       place of business of the licensee;

10          (4) in the case of a supplemental license, the  
11       established place of business of the licensee and the  
12       additional place of business to which the supplemental  
13       license pertains; and

14          (5) if applicable, the make or makes of new  
15       manufactured homes or park models to which a manufactured  
16       home dealer is licensed to sell.

17       (f) The appropriate instrument evidencing the license or a  
18       certified copy of the instrument, provided by the Secretary of  
19       State, shall be kept posted conspicuously in the established  
20       place of business of the licensee and in each additional place  
21       of business, if any, maintained by the licensee, unless the  
22       licensee is a community-based manufactured home dealer, then  
23       the license shall be posted in the community-based manufactured  
24       home dealer's central office and it shall include a list of the  
25       other locations that the community-based manufactured home  
26       dealer may oversee.

1       (g) Except as provided in subsection (i) of this Section,  
2 all licenses granted under this Section shall expire by  
3 operation of law on December 31 of the calendar year for which  
4 the licenses were granted, unless sooner revoked or cancelled  
5 under the provisions of Section 5-501 of this Chapter.

6       (h) All persons licensed as a manufactured home dealer or a  
7 community-based manufactured home dealer are required to  
8 furnish each purchaser of a manufactured home or park model:

9           (1) in the case of a new manufactured home or park  
10 model, a manufacturer's statement of origin, and in the  
11 case of a previously owned manufactured home or park model,  
12 a certificate of title, in either case properly assigned to  
13 the purchaser;

14           (2) a statement verified under oath that all  
15 identifying numbers on the vehicle match the identifying  
16 numbers on the certificate of title or manufacturer's  
17 statement of origin;

18           (3) a bill of sale properly executed on behalf of the  
19 purchaser;

20           (4) a copy of the Uniform Invoice-transaction  
21 reporting return form referred to in Section 5-402; and

22           (5) for a new manufactured home or park model, a  
23 warranty, and in the case of a manufactured home or park  
24 model for which the warranty has been reinstated, a copy of  
25 the warranty; if no warranty is provided, a disclosure or  
26 statement that the manufactured home or park model is being

1       sold "AS IS".

2       (i) This Section shall not apply to a (i) seller who  
3 privately owns his or her manufactured home or park model as  
4 his or her main residence and is selling the manufactured home  
5 or park model to another individual or to a licensee; (ii) a  
6 retailer or entity licensed under either Section 5-101 or 5-102  
7 of this Code; or (iii) an individual or entity licensed to sell  
8 truck campers, travel trailers, motor homes, or mini motor  
9 homes as defined by this Code. Any vehicle not covered by this  
10 Section that requires an individual or entity to obtain a  
11 license to sell 5 or more vehicles must obtain a license under  
12 the relevant provisions of this Code.

13       (j) This Section shall not apply to any person licensed  
14 under the Real Estate License Act of 2000.

15       (k) The Secretary of State may adopt any rules necessary to  
16 implement this Section.

17       (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

18       Sec. 5-401.2. Licensees required to keep records and make  
19 inspections.

20       (a) Every person licensed or required to be licensed under  
21 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-301 or 5-302 of this  
22 Code, shall, with the exception of scrap processors, maintain  
23 for 3 years, in a form as the Secretary of State may by rule or  
24 regulation prescribe, at his established place of business,  
25 additional place of business, or principal place of business if

1 licensed under Section 5-302, the following records relating to  
2 the acquisition or disposition of vehicles and their essential  
3 parts possessed in this State, brought into this State from  
4 another state, territory or country, or sold or transferred to  
5 another person in this State or in another state, territory, or  
6 country.

7 (1) The following records pertaining to new or used  
8 vehicles shall be kept:

9 (A) the year, make, model, style and color of the  
10 vehicle;

11 (B) the vehicle's manufacturer's identification  
12 number or, if applicable, the Secretary of State or  
13 Illinois Department of State Police identification  
14 number;

15 (C) the date of acquisition of the vehicle;

16 (D) the name and address of the person from whom  
17 the vehicle was acquired and, if that person is a  
18 dealer, the Illinois or out-of-state dealer license  
19 number of such person;

20 (E) the signature of the person making the  
21 inspection of a used vehicle as required under  
22 subsection (d) of this Section, if applicable;

23 (F) the purchase price of the vehicle, if  
24 applicable;

25 (G) the date of the disposition of the vehicle;

26 (H) the name and address of the person to whom any

1 vehicle was disposed, and if that person is a dealer,  
2 the Illinois or out-of-State dealer's license number  
3 of that dealer;

4 (I) the uniform invoice number reflecting the  
5 disposition of the vehicle, if applicable; and

6 (J) The sale price of the vehicle, if applicable.

7 (2) (A) The following records pertaining to used  
8 essential parts other than quarter panels and  
9 transmissions of vehicles of the first division shall be  
10 kept:

11 (i) the year, make, model, color and type of such  
12 part;

13 (ii) the vehicle's manufacturer's identification  
14 number, derivative number, or, if applicable, the  
15 Secretary of State or Illinois Department of State  
16 Police identification number of such part;

17 (iii) the date of the acquisition of each part;

18 (iv) the name and address of the person from whom  
19 the part was acquired and, if that person is a dealer,  
20 the Illinois or out-of-state dealer license number of  
21 such person; if the essential part being acquired is  
22 from a person other than a dealer, the licensee shall  
23 verify and record that person's identity by recording  
24 the identification numbers from at least two sources of  
25 identification, one of which shall be a drivers license  
26 or State identification card;

1 (v) the uniform invoice number or out-of-state  
2 bill of sale number reflecting the acquisition of such  
3 part;

4 (vi) the stock number assigned to the essential  
5 part by the licensee, if applicable;

6 (vii) the date of the disposition of such part;

7 (viii) the name and address of the person to whom  
8 such part was disposed of and, if that person is a  
9 dealer, the Illinois or out-of-state dealer license  
10 number of that person;

11 (ix) the uniform invoice number reflecting the  
12 disposition of such part.

13 (B) Inspections of all essential parts shall be  
14 conducted in accordance with Section 5-402.1.

15 (C) A separate entry containing all of the information  
16 required to be recorded in subparagraph (A) of paragraph  
17 (2) of subsection (a) of this Section shall be made for  
18 each separate essential part. Separate entries shall be  
19 made regardless of whether the part was a large purchase  
20 acquisition. In addition, a separate entry shall be made  
21 for each part acquired for immediate sale or transfer, or  
22 for placement into the overall inventory or stock to be  
23 disposed of at a later time, or for use on a vehicle to be  
24 materially altered by the licensee, or acquired for any  
25 other purpose or reason. Failure to make a separate entry  
26 for each essential part acquired or disposed of, or a

1 failure to record any of the specific information required  
2 to be recorded concerning the acquisition or disposition of  
3 each essential part as set forth in subparagraph (A) of  
4 paragraph (2) of subsection (a) shall constitute a failure  
5 to keep records.

6 (D) The vehicle's manufacturer's identification number  
7 or Secretary of State or Illinois Department of State  
8 Police identification number for the essential part shall  
9 be ascertained and recorded even if such part is acquired  
10 from a person or dealer located in a State, territory, or  
11 country which does not require that such information be  
12 recorded. If the vehicle's manufacturer's identification  
13 number or Secretary of State or Illinois Department of  
14 State Police identification number for an essential part  
15 cannot be obtained, that part shall not be acquired by the  
16 licensee or any of his agents or employees. If such part or  
17 parts were physically acquired by the licensee or any of  
18 his agents or employees while the licensee or agent or  
19 employee was outside this State, that licensee or agent or  
20 employee was outside the State, that licensee, agent or  
21 employee shall not bring such essential part into this  
22 State or cause it to be brought into this State. The  
23 acquisition or disposition of an essential part by a  
24 licensee without the recording of the vehicle  
25 identification number or Secretary of State identification  
26 number for such part or the transportation into the State

1 by the licensee or his agent or employee of such part or  
2 parts shall constitute a failure to keep records.

3 (E) The records of essential parts required to be kept  
4 by this Section shall apply to all hulks, chassis, frames  
5 or cowls, regardless of the age of those essential parts.  
6 The records required to be kept by this Section for  
7 essential parts other than hulks, chassis, frames or cowls,  
8 shall apply only to those essential parts which are 6 model  
9 years of age or newer. In determining the model year of  
10 such an essential part it may be presumed that the  
11 identification number of the vehicle from which the  
12 essential part came or the identification number affixed to  
13 the essential part itself acquired by the licensee denotes  
14 the model year of that essential part. This presumption,  
15 however, shall not apply if the gross appearance of the  
16 essential part does not correspond to the year, make or  
17 model of either the identification number of the vehicle  
18 from which the essential part is alleged to have come or  
19 the identification number which is affixed to the essential  
20 part itself. To determine whether an essential part is 6  
21 years of age or newer within this paragraph, the model year  
22 of the essential part shall be subtracted from the calendar  
23 year in which the essential part is acquired or disposed of  
24 by the licensee. If the remainder is 6 or less, the record  
25 of the acquisition or disposition of that essential part  
26 shall be kept as required by this Section.

1           (F) The requirements of paragraph (2) of subsection (a)  
2 of this Section shall not apply to the disposition of an  
3 essential part other than a cowl which has been damaged or  
4 altered to a state in which it can no longer be returned to  
5 a usable condition and which is being sold or transferred  
6 to a scrap processor or for delivery to a scrap processor.

7           (3) the following records for vehicles on which junking  
8 certificates are obtained shall be kept:

9           (A) the year, make, model, style and color of the  
10 vehicle;

11           (B) the vehicle's manufacturer's identification number  
12 or, if applicable, the Secretary of State or Illinois  
13 Department of State Police identification number;

14           (C) the date the vehicle was acquired;

15           (D) the name and address of the person from whom the  
16 vehicle was acquired and, if that person is a dealer, the  
17 Illinois or out-of-state dealer license number of that  
18 person;

19           (E) the certificate of title number or salvage  
20 certificate number for the vehicle, if applicable;

21           (F) the junking certificate number obtained by the  
22 licensee; this entry shall be recorded at the close of  
23 business of the fifth business day after receiving the  
24 junking certificate;

25           (G) the name and address of the person to whom the  
26 junking certificate has been assigned, if applicable, and

1 if that person is a dealer, the Illinois or out-of-state  
2 dealer license number of that dealer;

3 (H) if the vehicle or any part of the vehicle is  
4 dismantled for its parts to be disposed of in any way, or  
5 if such parts are to be used by the licensee to materially  
6 alter a vehicle, those essential parts shall be recorded  
7 and the entries required by paragraph (2) of subsection (a)  
8 shall be made.

9 (4) The following records for rebuilt vehicles shall be  
10 kept:

11 (A) the year, make, model, style and color of the  
12 vehicle;

13 (B) the vehicle's manufacturer's identification number  
14 of the vehicle or, if applicable, the Secretary of State or  
15 Illinois Department of State Police identification number;

16 (C) the date the vehicle was acquired;

17 (D) the name and address of the person from whom the  
18 vehicle was acquired, and if that person is a dealer, the  
19 Illinois or out-of-state dealer license number of that  
20 person;

21 (E) the salvage certificate number for the vehicle;

22 (F) the newly issued certificate of title number for  
23 the vehicle;

24 (G) the date of disposition of the vehicle;

25 (H) the name and address of the person to whom the  
26 vehicle was disposed, and if a dealer, the Illinois or

1 out-of-state dealer license number of that dealer;

2 (I) The sale price of the vehicle.

3 (a-1) A person licensed or required to be licensed under  
4 Section 5-101 or Section 5-102 of this Code who issues  
5 temporary registration permits as permitted by this Code and by  
6 rule must electronically file the registration with the  
7 Secretary and must maintain records of the registration in the  
8 manner prescribed by the Secretary.

9 (b) A failure to make separate entries for each vehicle  
10 acquired, disposed of, or assigned, or a failure to record any  
11 of the specific information required to be recorded concerning  
12 the acquisition or disposition of each vehicle as set forth in  
13 paragraphs (1), (3) and (4) of subsection (a) shall constitute  
14 a failure to keep records.

15 (c) All entries relating to the acquisition of a vehicle or  
16 essential part required by subsection (a) of this Section shall  
17 be recorded no later than the close of business on the seventh  
18 calendar day following such acquisition. All entries relating  
19 to the disposition of a vehicle or an essential part shall be  
20 made at the time of such disposition. If the vehicle or  
21 essential part was disposed of on the same day as its  
22 acquisition or the day thereafter, the entries relating to the  
23 acquisition of the vehicle or essential part shall be made at  
24 the time of the disposition of the vehicle or essential part.  
25 Failure to make the entries required in or at the times  
26 prescribed by this subsection following the acquisition or

1 disposition of such vehicle or essential part shall constitute  
2 a failure to keep records.

3 (d) Every person licensed or required to be licensed shall,  
4 before accepting delivery of a used vehicle, inspect the  
5 vehicle to determine whether the manufacturer's public vehicle  
6 identification number has been defaced, destroyed, falsified,  
7 removed, altered, or tampered with in any way. If the person  
8 making the inspection determines that the manufacturer's  
9 public vehicle identification number has been altered,  
10 removed, defaced, destroyed, falsified or tampered with he  
11 shall not acquire that vehicle but instead shall promptly  
12 notify law enforcement authorities of his finding.

13 (e) The information required to be kept in subsection (a)  
14 of this Section shall be kept in a manner prescribed by rule or  
15 regulation of the Secretary of State.

16 (f) Every person licensed or required to be licensed shall  
17 have in his possession a separate certificate of title, salvage  
18 certificate, junking certificate, certificate of purchase,  
19 uniform invoice, out-of-state bill of sale or other acceptable  
20 documentary evidence of his right to the possession of every  
21 vehicle or essential part.

22 (g) Every person licensed or required to be licensed as a  
23 transporter under Section 5-201 shall maintain for 3 years, in  
24 such form as the Secretary of State may by rule or regulation  
25 prescribe, at his principal place of business a record of every  
26 vehicle transported by him, including numbers of or other marks

1 of identification thereof, the names and addresses of persons  
2 from whom and to whom the vehicle was delivered and the dates  
3 of delivery.

4 (h) No later than 15 days prior to going out of business,  
5 selling the business, or transferring the ownership of the  
6 business, the licensee shall notify the Secretary of State that  
7 he is going out of business or that he is transferring the  
8 ownership of the business. Failure to notify under this  
9 paragraph shall constitute a failure to keep records.

10 (i) (Blank).

11 (j) A person who knowingly fails to comply with the  
12 provisions of this Section or knowingly fails to obey, observe,  
13 or comply with any order of the Secretary or any law  
14 enforcement agency issued in accordance with this Section is  
15 guilty of a Class B misdemeanor for the first violation and a  
16 Class A misdemeanor for the second and subsequent violations.  
17 Each violation constitutes a separate and distinct offense and  
18 a separate count may be brought in the same indictment or  
19 information for each vehicle or each essential part of a  
20 vehicle for which a record was not kept as required by this  
21 Section.

22 (k) Any person convicted of failing to keep the records  
23 required by this Section with intent to conceal the identity or  
24 origin of a vehicle or its essential parts or with intent to  
25 defraud the public in the transfer or sale of vehicles or their  
26 essential parts is guilty of a Class 2 felony. Each violation

1 constitutes a separate and distinct offense and a separate  
2 count may be brought in the same indictment or information for  
3 each vehicle or essential part of a vehicle for which a record  
4 was not kept as required by this Section.

5 (l) A person may not be criminally charged with or  
6 convicted of both a knowing failure to comply with this Section  
7 and a knowing failure to comply with any order, if both  
8 offenses involve the same record keeping violation.

9 (m) The Secretary shall adopt rules necessary for  
10 implementation of this Section, which may include the  
11 imposition of administrative fines.

12 (Source: P.A. 91-415, eff. 1-1-00; 92-773, eff. 8-6-02.)

13 (625 ILCS 5/8-101) (from Ch. 95 1/2, par. 8-101)

14 Sec. 8-101. Proof of financial responsibility - Persons who  
15 operate motor vehicles in transportation of passengers for  
16 hire.

17 (a) It is unlawful for any person, firm or corporation to  
18 operate any motor vehicle along or upon any public street or  
19 highway in any incorporated city, town or village in this State  
20 for the carriage of passengers for hire, accepting and  
21 discharging all such persons as may offer themselves for  
22 transportation unless such person, firm or corporation has  
23 given, and there is in full force and effect and on file with  
24 the Secretary of State of Illinois, proof of financial  
25 responsibility provided in this Act.

1 (b) In addition this Section shall also apply to persons,  
2 firms or corporations who are in the business of providing  
3 transportation services for minors to or from educational or  
4 recreational facilities, except that this Section shall not  
5 apply to public utilities subject to regulation under "An Act  
6 concerning public utilities," approved June 29, 1921, as  
7 amended, or to school buses which are operated by public or  
8 parochial schools and are engaged solely in the transportation  
9 of the pupils who attend such schools.

10 (c) This Section also applies to a contract carrier  
11 transporting employees in the course of their employment on a  
12 highway of this State in a vehicle designed to carry 15 or  
13 fewer passengers. As part of proof of financial responsibility,  
14 a contract carrier transporting employees, including but not  
15 limited to railroad employees, in the course of their  
16 employment is required to verify hit and run and uninsured  
17 motor vehicle coverage, as provided in Section 143a of the  
18 Illinois Insurance Code, and underinsured motor vehicle  
19 coverage, as provided in Section 143a-2 of the Illinois  
20 Insurance Code, in a total amount of not less than \$250,000 per  
21 passenger, except that beginning on January 1, 2016 the total  
22 amount shall be not less than \$500,000 per passenger.

23 (d) This Section shall not apply to any person  
24 participating in a ridesharing arrangement or operating a  
25 commuter van, but only during the performance of activities  
26 authorized by the Ridesharing Arrangements Act.

1           (e) If the person operating such motor vehicle is not the  
2 owner, then proof of financial responsibility filed hereunder  
3 must provide that the owner is primarily liable.

4           (Source: P.A. 94-319, eff. 1-1-06.)

5           Section 99. Effective date. This Act takes effect upon  
6 becoming law.".